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*Counsel for Lead Plaintiff Arkansas State Highway
Employees Retirement System and Lead Counsel
for the Settlement Class*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MARK ROBERTI, Individually and
on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

OSI SYSTEMS, INC., DEEPAK
CHOPRA, ALAN I. EDRICK, and
AJAY MEHRA,

Defendants.

Case No.: 2:13-cv-09174-MWF

CLASS ACTION

**DECLARATION OF TIMOTHY A.
DELANGE IN SUPPORT OF LEAD
PLAINTIFF'S *EX PARTE* AND
UNOPPOSED APPLICATION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Judge: Hon. Michael W. Fitzgerald
Courtroom: 1600

1 I, Timothy A. DeLange, declare as follows:

2 1. I am a partner with the law firm of Bernstein Litowitz Berger & Grossmann
3 LLP, Lead Counsel for Court-appointed Lead Plaintiff, the Arkansas State Highway
4 Employees Retirement System (“ASHERS” or “Lead Plaintiff”) in the above Action. I
5 submit this declaration in support of Lead Plaintiff’s *Ex Parte* and Unopposed
6 Application for Preliminary Approval of Class Action Settlement (the “Unopposed
7 Application”). I am familiar with and have personal knowledge of the facts set forth in
8 this declaration and, if called upon to do so, could and would testify competently thereto.

9 2. Following a mediation process and a Mediator’s Recommendation, the
10 parties have entered into a Stipulation and Agreement of Settlement (the “Stipulation”)
11 to resolve the Action in its entirety, subject to Court approval under Fed. R. Civ. P.
12 23(e). A true and correct copy of the Stipulation and its exhibits is attached hereto as
13 Exhibit 1.

14 3. The Unopposed Application is submitted *ex parte* pursuant to Judge
15 Fitzgerald’s Procedures for filing *ex parte* applications for routine exceptions to the
16 Local Rules. The Unopposed Application seeks preliminary approval of the proposed
17 class action settlement, such that notice of the proposed settlement can be sent to the
18 proposed Settlement Class, and a hearing scheduled for consideration of final approval
19 of the proposed Settlement after the Settlement Class has received notice and had an
20 opportunity to be heard.

21 4. My firm, as Lead Counsel for the Settlement Class, has conferred with
22 Defendants’ Counsel, including by telephone and e-mail on August 20, 2015, and
23 confirmed that Defendants, who have entered into the Stipulation, do not oppose the
24 Application.

25 5. The form of the proposed Preliminary Approval Order granting the
26 Unopposed Application – entitled [Proposed] Order Preliminarily Approving Proposed
27 Settlement and Providing for Notice – and the forms of the class notice for mailing, the
28

1 class notice for publication, and the proof of claim have all been agreed to by the parties,
2 and are attached hereto as Exhibit 2.

3 6. The contact information for Defendants' Counsel is as follows:

4 Latham & Watkins LLP
5 Peter A. Wald, Esq.
6 505 Montgomery Street, Suite 2000
7 San Francisco, CA 94111-6538
8 Telephone: (415) 395-8006
9 Email: peter.wald@lw.com

10 -and-

11 Michele D. Johnson, Esq.
12 650 Town Center Drive, Suite 200
13 Costa Mesa, CA 92626-1924
14 Telephone: (714) 540-1235
15 Email: michele.johnson@lw.com

16 -and-

17 James H. Moon, Esq.
18 355 South Grand Ave
19 Los Angeles, CA 90071-1560
20 Telephone: (213) 891-7551
21 Email: james.moon@lw.com

22 7. As required by the Local Rules, I declare under oath that Lead Counsel has:
23 (a) advised counsel for all parties of the date and substance of the proposed *ex parte*
24 application, and confirmed there is no opposition; and (b) advised the Court in writing
25 and under oath (as stated herein) of efforts to contact other counsel and whether any
26 other counsel, after such advice, opposes the application.
27

28 I declare that the foregoing is true and correct. Executed this 21st day of August,
2015, at San Diego, California.

/s/ Timothy A. DeLange
TIMOTHY A. DeLANGE